

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FULL CIRCLE UNITED, LLC)
Plaintiff)
VS.) CIVIL ACTION
BAY TEK ENTERTAINMENT, INC.,) NO.: 1:20-CV-03395
Defendant)

BAY TEK ENTERTAINMENT, INC.,)
Counterclaim Plaintiff)
VS.)
FULL CIRCLE UNITED, LLC)
Counterclaim Defendant)
and)
ERIC PAVONY,)
Additional Counterclaim)
Defendant)

VIDEOTAPED REMOTE ORAL DEPOSITION OF
ERIC COOPER
JUNE 8, 2022
VOLUME 2

REPORTED BY: KATHRYN R. BAKER, RPR, CSR #6955
JOB NO. 212204

ERIC COOPER

A. I'd have to guess. I can take a guess. Do you want a guess --

Q. No.

A. -- or do you want me to state what I remember specifically?

Q. I do not want you to guess. I want you to --

A. Okay. Then I'd have to guess. Then I'd have to guess. I don't -- I don't specifically remember.

Q. That's fine. That's one of my ground rules, is that I don't want you to guess. That's fine.

A. Okay.

Q. Okay. I'm going to introduce another exhibit now. Bear with me for a second here.

(Exhibit 31 marked.)

Q. (BY MR. HUMPHREY) Okay. I have Exhibit 31 here.

Mr. Cooper, can you see this document?

A. Uh-huh.

Q. Do you recognize this document?

A. I don't believe I've read this document, but I do -- I can read what it is.

Q. So this is Full Circle's answers to Bay Tek's second set of interrogatories.

Do you know what interrogatories are?

ERIC COOPER

1

2 A. Can you refresh me on what it is.

3 Q. Yeah. In lawsuits people can take what is

4 called discovery, where they seek information from the

5 other side.

6 One of the mechanisms that they use to do

7 that are called interrogatories, which are written

8 questions that the parties are asked to answer.

9 Are you familiar with that process?

10 A. Yes. Now that you reminded me, yes.

11 Q. Okay. So were you involved in answering the
12 interrogatories in this case?

13 A. No.

14 Q. At all?

15 A. No.

16 Q. Okay. So did you review this document at all?

17 A. I did not.

18 Q. Okay. I'm going to take you through a few
19 things here and just see if you have any knowledge of some
20 of these allegations.

21 On page 7 here. So the interrogatory asks
22 to state all facts according to contention that Bay Tek's
23 damages are barred because Bay Tek quote/unquote consented
24 or acquiesced for the use of the mark.

25 This is in line with what we were just

ERIC COOPER

displayed there.

Q. This particular picture here, this is -- this is the Brewskee-Ball Web site, correct?

A. I believe so, yeah. I don't -- yeah, it looks to be that, yes.

Q. And so this picture was posted on the Brewskee-Ball Web site, correct?

A. Yes, I guess so. If you're showing me a screenshot, yeah.

Q. And we established that the Web site was publicly available, right?

A. The Web site was what?

Q. Publicly available?

A. Yes.

Q. So anybody who logged into the Web site could potentially see this pictures?

A. Yes.

Q. Including, potentially, a child?

MS. REILLY: Objection, form.

A. That's not for me to say.

Q. (BY MR. HUMPHREY) You don't know if a child with Internet access could see this?

A. If you want to -- if you need to draw that line between the two, go for it. I'm not -- I'm not going to

ERIC COOPER

1
2 speculate what a child does.
3 Q. I'm not asking you to speculate. I'm asking you
4 if it's possible.
5 A. Is it possible for a child to get on the
6 Internet, yes.
7 Q. And it's possible for a child to go on this Web
8 site and see this photo, correct?
9 MS. REILLY: Objection.
10 A. I don't want to -- I -- I don't -- I don't know
11 what children do.
12 Q. (BY MR. HUMPHREY) You don't have to know what
13 children do. I'm just asking you is it possible --
14 A. Is the Web site -- you asked me if the Web site
15 was -- I'm sorry, finish.
16 Q. Well, is the Web site age restricted in any way?
17 A. I already told you it wasn't.
18 Q. Okay. So -- but I'm just asking you, would it
19 be possible for a child with Internet access to come to
20 this Web site and see this photo?
21 A. I've already answered this question about this
22 Web site.
23 Q. Would it be possible for a child to do this is
24 what I'm asking?
25 A. I don't want to draw a conclusion what a

ERIC COOPER

child -- can a child get on the Internet? Yes. Is our Web site age restricted? No. You feel free to draw your own conclusion about what children do.

Q. Why can't you draw that conclusion?

A. I don't -- I don't want to.

Q. Sir, it's not about what you want. I'm asking you a question. I'm asking if it's possible that a child could go to the Web site and see this photo?

A. Yes.

Q. Okay. Did you -- do you have any background in graphic design?

A. Yeah. Yes. I told -- I believe you asked me my education.

Q. Yes. That's right. That's right.

So are you involved in graphic design at all for Brewskee-Ball?

A. For Austin -- for mostly Austin stuff. Yeah, some -- possibly some Brewskee-Ball stuff, when asked.

Q. So those -- the schedules that we were looking at earlier with the team names, do you design anything like that?

A. Yeah. Those -- I created those.

Q. Did you create those specifically?

A. Yes.

ERIC COOPER

Q. So are you aware of any reputation that Bar Stool Sports has?

A. No.

Q. You don't know anything about Bar Stool Sports?

A. I don't -- I really don't follow them. I know that they -- I know that they know -- I recently read somewhere recently that they made a deal with Major League Baseball, like they're going to stream major league baseball or something like that. I like baseball, so I -- that came across my feed.

Q. I also like baseball and I am aware of that.

Let me show you another exhibit.

(Exhibit 35 marked.)

Q. (BY MR. HUMPHREY) So Full Circle United and Eric Pavony then gave permission from Bar Stool Sports to do that broadcast, correct?

A. I -- I wouldn't -- I don't know if I would say Full Circle United or Full Circle Bar, but, yes.

Q. I'm going to put up this exhibit.

But you're not aware of Bar Stool's reputation, correct?

A. I am not.

Q. Okay. I'm going to show you an exhibit briefly.

Okay. This is Exhibit 35. We're not going

ERIC COOPER

1
2 to spend much time on this. I just want you to take a
3 look.

4 So this is an article from Media Matters,
5 and it's collecting what I would -- I don't want to call
6 it the greatest hits, but probably the worst of the worst
7 of Bar Stool Sports. The title is, Bar Stool Sports is a
8 cesspool of misogyny and bigotry.

9 Do you see that?

10 A. Uh-huh.

11 Q. And I'm not going to read the laundry list here,
12 because, frankly, it's some pretty vile stuff. But I just
13 want you to take a look and see some of the headings of
14 things they have categorized here as actions Bar Stool
15 Sports has taken.

16 Can you tell me what this says?

17 A. Sexualizing minors and whitewashing
18 nonconsensual explicit content.

19 Q. Okay. And what does this one say?

20 A. Perpetuating and encouraging sexism and
21 misogyny.

22 Q. And what -- this is very long.

23 What does this one say?

24 A. Perpetuating and encouraging racism.

25 Q. As you can you see, these are pretty long.

ERIC COOPER

1

2

What's this one say?

3

A. Perpetuating and encouraging anti-LGBTQ

4

(inaudible).

5

Q. Okay. So my question to you is: Well, do you

6

have kind of an understanding of some of the things now

7

that Bar Stool Sports has been accused of doing?

8

A. Well, the headlines you made me read, yeah.

9

Q. But based on -- but based on that, you --

10

A. Well, I haven't read the article. I haven't

11

read the article, so, you know...

12

Q. Okay.

13

A. I mean, I get -- I get that somebody wrote a

14

piece about them. And --

15

Q. Right?

16

A. And pointing out -- pointing out these headlines

17

that you made me read.

18

Q. So my question to you is: Does having an event

19

associated with Bar Stool Sports in any way reflect --

20

reflect positively on the Skee-Ball mark or on Bay Tek?

21

MS. REILLY: Objection to form.

22

Q. (BY MR. HUMPHREY) Based on this.

23

A. Based on that? But I haven't read that.

24

MS. REILLY: Same objection.

25

Q. (BY MR. HUMPHREY) But knowing what they're